

REMARKS

In response to the final Office Action mailed on April 15, 2009, Applicant(s) respectfully request(s) reconsideration.

Claims 1, 3-21, 23-28, 30-44, and 46-52 are now pending in this Application.

Claims 1, 15, 21, 40 and 44 are independent claims and the remaining claims are dependent claims. Applicant(s) believe that the claim(s) as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 49-52 have been rejected under **35 U.S.C. §103** as being obvious over Irvin, U.S. Pub. No. 2002/0072917 (hereinafter Irvin '917) in view of Schalk, U.S. Patent No. 6,922,669 (hereinafter Schalk '669).

The Office Action persists in the rejection of the abstract, title, and embedded specification hyperlinks despite Applicant's previous amendments believed to address these shortcomings and overcome the cited formalities. Applicant requests clarification in light of the previously submitted amendment of December 29, 2008 if these items are still deficient.

The Office Action states that the subject matter of the added claims 49-52 incorporating a telephone number is a new limitation not previously presented, and that as such the new ground of rejection is appropriate since telephone number features were not presented in original claims 1-49. Applicant respectfully disagrees and suggests that a telephone numbering system is an integral part of the subject matter in claims 1-49. Specifically, claim 10 recites a "phone numbering plan." Claim 15 recites a "speech dialer for recognizing speech". Claims depending from claim 15 recite "operator identification numbers", an operator specific numbering plan", and that the "speech dialer utilizes said numbering plan as hard constraints", referring to claims 16, 18 and 19 respectively. Applicant does not understand how a speech dialer to recognize speech (claim 15) cannot be said to encompass or suggest spoken telephone digits as the Office Action asserts.

Added claim 49 recites the use of both "hard and soft constraints" in recognizing an incoming spoken telephone number. Schalk '669 makes no showing, teaching, or disclosure of hard or soft constraints. In contrast, the

claimed approach distinguishes hard and soft constraints, as recited in added claims 49 and 50 and discussed at paragraph [0005], and clarifies the use of both the “identified hard constraints for recognizing spoken telephone digits in the incoming speech signal” and the “soft constraints limiting the expected entered telephone number”, as recited in claim 50.

The Office Action blanketly cites Schalk ‘669 as anticipating all added claims 49-52 at col. 1, lines 30-60, and fails to point out and identify the specific grounds for rejection, as required by the MPEP. Nowhere in Schalk is taught or disclosed hard and soft constraints, and the Office Action acknowledges that Irvin ‘917 also lacks this feature (paragraphs 7). The Office Action cites Schalk ‘669 as teaching an N-best list (col. 2, line 52), and that this anticipates the combined use of hard and soft constraints as claimed.

It is therefore noted that the Office Action fails to specifically address even the expressly recited features of the pending independent or dependent claims. Under the Office’s policy of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. (MPEP §707.07(g)). It is submitted that the present application is not sufficiently informal, does not present an undue multiplicity of claims, or exhibit a misjoinder of inventions, so as to reasonably preclude a complete action on the merits. Thus, it is submitted that the Office’s failure constitutes a failure to expeditiously provide the information necessary to resolve issues related to patentability that prevents the Applicants from, for example, presenting appropriate patentability arguments and/or rebuttal evidence. (See The Official Gazette Notice of November 7, 2003). Additionally, it is submitted that the Office’s failure needlessly encourages piecemeal prosecution, which is to be avoided as much as possible. (MPEP §707.07(g)). Accordingly, in the event that the Office maintains the rejection of any of the independent or dependent claims, Applicants respectfully requests, in the interests of compact prosecution, that the Office apply art against each feature of each rejected independent claim, on the record, and with specificity sufficient to support a prima facie case of anticipation.

Schalk '669, however, uses the N-best list as a probabilistic expectation of a valid input. Such probability-based attributes are characteristic of soft constraints, but there is no showing, teaching, or disclosure of accompanying hard constraints. Schalk '669 does teach employing "recognition strategies" in conjunction with the N-best list (col. 2, lines 57-65), such as checksum (3:35), digital positional (5:5) and supplemental (5: 23), however each of these has probabilistic attributes that differ from the claimed location based expected speech patterns indicative of groupings of digits and placement of pauses of claim 50. Checksum approaches are valid only 75% of the time (col. 4, lines 2-3), and the supplemental techniques employ "fuzzy matching" which does not establish an exact database match (col. 5, lines 33-35). Further, the "digital positional" constraints teach only a "micro-grammar" (col. 5, line 11), and do not anticipate the hard constraints for recognizing spoken telephone digits, as recited in claim 49.

Since the cited approach employs only probabilistic comparisons, Schalk cannot be said to anticipate the hard constraints imposed by a spoken telephone number, as claimed in claim 49 and discussed further at paragraph [0037]. Such hard constraints employ absolute rules that, given a particular location as claimed, are not subject to a probabilistic variance.

Accordingly, the combination of Irvin '917 and Schalk '669 cannot be said to anticipate the combined hard and soft constraints including location based speech patterns indicative of groupings of digits and placement of pauses as claimed in claim 50, and it is therefore submitted that at least claim 50 is allowable. Further, for the reasons given above, independent claim 1 is also deemed allowable as the location based nature of the claimed hard constraints utilizing the associated search information as hard constraints which utilize the associated search information as a function of said location is a feature not shown, taught or disclosed in Irvin '917. Independent claims 15, 21, 28, 40 and 44, reciting at least similar features as claim 1, as also deemed allowable. As the remaining claims depend, either directly or indirectly, from claims 15, 21, 28, 40 and 44, all claims are submitted as allowable.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an online payment made herewith, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

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